

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>1/10/2023</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 :
 HEXIN GLOBAL LIMITED et al, :
 :
 Plaintiffs, :
 :
 -v- :
 :
 SINGULARITY FUTURE TECHNOLOGY, LTD. et al, :
 :
 Defendants. :
 X

ORDER

22-cv-08160(LJL)

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 :
 JINHE CAPITAL LIMITED, :
 :
 Plaintiff, :
 :
 -v- :
 :
 SINGULARITY FUTURE TECHNOLOGY, LTD., :
 :
 Defendant. :
 :
 X

22-cv-08538 (LJL)

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 :
 ST. HUDSON GROUP LLC et al, :
 :
 Plaintiffs, :
 :
 -v- :
 :
 SINGULARITY FUTURE TECHNOLOGY, LTD. et al, :
 :
 Defendants. :
 :
 X

22-cv-10290 (LJL)

LEWIS J. LIMAN, United States District Judge:

For the reasons discussed at the initial pretrial conference on January 5, 2023 and with the consent of the parties, the above-captioned actions are hereby consolidated pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. The file shall be maintained under Master File 22-cv-08160.

Defendants in the following actions have notified the Court that they intend to move to dismiss the complaints: *St. Hudson Group LLC et al v. Singularity Future Technology, Ltd. et al* (22-cv-10290) and *Hexin Global Limited et al v. Singularity Future Technology, Ltd. et al* (22-cv-08160). Because these actions assert claims under the Securities Exchange Act of 1934, “all discovery and other proceedings shall be stayed during the pendency” of the motions to dismiss pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u–4(b)(3)(B). This automatic stay includes documents that have already been produced by either party to third parties including government regulators. See *In re Refco, Inc.*, 2006 WL 2337212, at *2 (S.D.N.Y. Aug. 8, 2006).¹

The PSLRA does not apply to the third action, *Jinhe Capital Limited v. Singularity Future Technology, Ltd.* (22-cv-08538), which involves claims of breach of the covenant of good faith and fair dealing, unjust enrichment, conversion, and quantum meruit. Accordingly, no automatic stay applies to the proceedings and discovery in that action (although Defendant may move for a stay or protective order at any time). The Court therefore enters the following scheduling order as to case number 22-cv-08538:

- Any motion to amend or to join additional parties shall be filed no later than **February 6, 2023**
- Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than **January 19, 2023**
- Initial requests for production of documents shall be served by **January 27, 2023**
- Interrogatories pursuant to Rule 33.3(a) of the Local Rules of the Southern District of New York shall be served by **January 27, 2023**
- All fact discovery is to be completed no later than 180 days after a ruling, if any, from the Court sustaining the operative complaint alleging a claim for federal securities fraud in whole or in part, in response to any motion to dismiss.

Finally, any motions to dismiss in these three actions shall be due on February 10, 2023. The parties are directed to file a proposed briefing schedule with the Court regarding the due date for the opposition and reply briefs.

SO ORDERED.

Dated: January 10, 2023
New York, New York



LEWIS J. LIMAN
United States District Judge

¹ If a party seeks a lifting of the stay, the party must submit a motion to the Court explaining why “that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to that party.” § 78u–4(b)(3)(B).